

**CITY OF CLEWISTON  
Regular Commission Meeting  
March 18, 2013**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, March 18, 2013. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. Commissioner James Pittman gave the invocation and the audience recited the Lord's Prayer and Pledge of Allegiance.

**Attendance:**

**Commissioners Present:** Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Richard Miller, Commissioner James Pittman, and Commissioner Julio Rodriguez.

**Personnel Present:** Finance Director Ted Byrd, Interim City Manager Don Gutshall, City Clerk Marilyn McCorvey, Library Director Ava Barrett, Golf Course Director Adolfo Pena, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, City Attorney Charles Schoech, Karen Moore, and Steve Hayes.

**Visitors Present:** Mark Chamberlain, Jerry Cochran, Benjamin Escorcia, Brenda Gann, Terry Gardner, Asa & Betty Godsey, Denise Hatton, Christine Howell, Donald Hughes, Betty Murphy, Paula Pittman, Sherida Ridgill, Bill Sikes, Janet Taylor, Mercedes Vary, and John Wellslager.

**ADDITIONS/DELETIONS/CHANGES TO THE AGENDA** – ICM Gutshall stated that we have been informed that Gregg Gillman will not be here to make the EDC presentation.

**Bill Sikes Presentation for remote broadcast at the Spring Cleaning Event** – Bill Sikes came forward and stated the City's Spring Cleaning Event will be April 6 and he is asking the city to spend \$500 on radio advertising to bring in more volunteers to the event. He stated the broadcast would start at 8:00 a.m. encouraging people to come out and help and a morning show with Public Works Director Scheffler that morning as well. There is also 80 fifteen second promos beginning ten days prior to the event in the package and 24 thirty second ads 5 days prior to the event included in the \$500 price.

**Commissioner Rodriguez made a motion, seconded by Commissioner Gardner, to approve spending \$500 for the remote radio broadcast for the Spring Cleaning event. Vote 5 yeas, 0 nays.**

**1. Consent Agenda**

- A. *City Commission Minutes – March 4, 2013*
- B. *Event Application – Bond Street Bash – March 21, 2013*
- C. *Proclamation – Water Conservation Month – April*
- D. *Proclamation – National Kids to Parks Day – May 18, 2013*
- E. *Proclamation – One Book One Community – March 25, 2013*

Library Director Ava Barrett came forward and read the One Book One Community Proclamation and encouraged everyone's attendance at the event on March 25, 2013.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Consent Agenda. Vote 5 yeas, 0 nays.**

**PUBLIC HEARING**

- 2. Ordinance No. 2013-03** – This Ordinance clarifies the life insurance benefits for City Commissioners as required by our Charter. The first reading of this Ordinance was on February 18, 2013. Mayor Roland opened the public hearing stating the purpose is to discuss and accept input from all interested parties relative to the passage of Ordinance No. 2013-02. ICM Gutshall stated the issue before the Commission is Ordinance No. 2013-02 which clarifies the life insurance benefits for City Commissioners as required by our City Charter. ICM Gutshall read Ordinance No. 2013-02 by title and stated the official notice of the public hearing was advertised in the Clewiston News on February 28, 2013. There being no comments from the audience or the Commission, Mayor Roland closed the public hearing.

**Commissioner Pittman made a motion, seconded by Commissioner Miller, to adopt Ordinance No. 2013-02 on final reading. Vote 5 yeas, 0 nays.**

### **RESOLUTION**

3. **Resolution No. 2013-03** – FDOT has notified the City of their intention to install sidewalks on Lopez Street from US27 to Caribbean Avenue. The City will be required to maintain the sidewalks after installation. This Resolution authorizes the City to enter into the Transportation Post Project Maintenance Agreement, and authorizes the Mayor to sign the agreement. ICM Gutshall read Resolution No. 2013-03 by title.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2013-03. Vote 5 yeas, 0 nays.**

### **MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

4. **Asphalt Millings Use Policy** – The Public Works Director and City Engineer have developed an Asphalt Millings Use Policy for consideration by the Commission. City Engineer Perry stated there have been concerns about the asphalt millings being used in the City. Mr. Perry stated the policy basically states that if you have an overflow area, asphalt millings can be used, but the millings cannot be used for driveways, parking lots or aprons. Commissioner Pittman asked that the City require a permit for putting down the asphalt millings. Commissioner Pittman also thought the permanent barrier should be spelled out.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to approve the Asphalt Millings Use Policy, with the additional requirement that a permit is required before the work starts. Vote 5 yeas, 0 nays.**

5. **Approval of Contract with Angie Brewer & Associates to work with Nancy Phillips ^ Associates on Airglades Industrial Park Funding Analysis and Strategy.** Nancy Phillips stated she has known Angie Brewer for over 20 years and feels she does a great job with large grants. Ms. Phillips stated the City needs to be specific on the criteria of what grant funding we are searching for, so the search can be smaller. Ms. Phillips stated there will also need to be an interlocal agreement with the county since the City owns the Waste Water Treatment Plant. Mayor Roland stated he would like to speak to the County Commission and see if they might be able to share the cost.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to table this item to the April 1, 2013 meeting. Vote 5 yeas, 0 nays.**

6. **Award of CDBG Housing Bids RFP's 1 & 2** – If the Commission awards the seven projects recommended, it will leave \$141,589.16 for the remaining three homes that are required for the grant. Grants Consultant Nancy Phillips stated that if the Commission awards these projects, then the City must complete the entire project which is ten (10) homes. Ms. Phillips wanted to be certain that the Commission understood that even if the last three homes were above the grant amount, the City would be required to complete the project. The Commission discussed the possible ramifications of this and asked Ms. Phillips to contact the contractors to see if they would honor their contract prices for 45 – 60 days.

**Commissioner Gardner made a motion, seconded by Commissioner Miller to table this item. Vote 4 yeas, 0 nays. (Commissioner Pittman abstained.)**

7. **Award of Feeder Circuit Breaker and Rack Mounted Relay Panel Bid** – Former Utilities Director McCarthy had requested and budgeted for the replacement of a 30 year old oil circuit breaker at the Clewiston Substation. The new unit should require less maintenance. Power Services advertised this project for bid for the City and opened the bids on March 4, 2013 and recommends the low bidder, Utility Service Agency, Inc. be awarded the bid.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to award the Feeder Circuit Breaker and Rack Mounted Relay Panel Bid to Utility Service Agency, Inc. in an amount not to exceed \$19,000. Vote 5 yeas, 0 nays.**

8. **City Manager Discussion** – The City Commission interviewed their top three candidates on Tuesday, February 26. Those candidates are Mark Chamberlain, Andrew DeCandis, and Al Perry. Mayor Roland stated that he was informed Friday that there has been an allegation against him, Commissioner Gardner and Commissioner Rodriguez for Sunshine Law violations. Mayor Roland stated he has not discussed City business outside of a meeting with the other commissioners and it is his contention that the City move forward. Commissioner Pittman stated after interviewing the three candidates, he would like to interview the next three candidates and interview someone who has city manager or assistant city manager experience to be certain he is picking the best candidate for the City.

Commissioner Gardner stated she has wanted to move forward since December, but she continues to get phone calls telling her of fabrications that have been made in the newspaper from South Florida to Georgia and she is not going to move forward with a new city manager until our attorney reviews the disparaging comments made by the former city manager. Commissioner Gardner believes that the former city manager has violated his separation agreement and should repay the City. Commissioner Gardner stated again she will not go forward with further interviews or supporting anyone until the matter is settled.

Commissioner Miller stated delving back into this situation will create a legal battle which will not be good for anyone. He too would like to interview more candidates and get the most qualified candidate as the Charter states. Commissioner Miller stated he feels the Commission owes it to the citizens to get the best qualified city manager that we can.

Commissioner Rodriguez stated when you hire anyone, you have a “gut” feeling who is the right candidate. He feels that we have an opportunity to hire someone local who wants to help the Commission unite and move forward. Commissioner Rodriguez states that Al does not have the education, but he is local and should be around for a while. He is not in favor of interviewing more candidates. Commissioner Rodriguez stated he votes with his conscience and his heart and he has not done anything unethical.

Mayor Roland stated he asked Al Perry to put his name in the hat and he is his pick for city manager. He does not want to interview any more candidates either. Mayor Roland thinks Mr. Perry would do a great job for the City and that is his main concern. Mayor Roland stated that Mr. Perry does not have the education but he has good work ethics. Mayor Roland stated he talks to Commissioner Rodriguez about his son and Commissioner Gardner only waves at him.

Commissioner Gardner stated she does not want to hire a new city manager until City Attorney Schoech has reviewed the former city manager situation and it is resolved.

Terry Gardner stated that he thought the ethics issue is something that is overdue and he would like to see an investigation of this Commission and the previous Commission.

Commissioner Rodriguez stated he doesn't think one thing has anything to do with the other and that we need a face of the City. He stated the interim city managers are doing a great job and he wants to be proud of how the City is led.

Sherida Ridgill stated she wants to be part of the solution. She stated she has asked the Commission to educate themselves on every decision they make. Ms. Ridgill stated there are a lot of rumors circulating and the Commissioners will prove them true or squash them. Ms. Ridgill emphasized to the Commission how important transparency in government is. The taxpayers want to know that a good job is being done with tax dollars. Ms. Ridgill pointed out that when the new Charter was written, there were five people with very different opinions on that committee, but in the end every change made to the Charter was done unanimously. Ms. Ridgill pointed out several sections of the City Charter that she felt the Commission should be very familiar with, in particular Sec. 3.05. Vacancies, Forfeiture and Filling of Vacancies; Sec. 3.07. Prohibitions, 1(c) Interference with Administration; Sec. 5.02. City Manager, (a) Appointment and Qualifications; and Sec. 5.09. Personnel Policies. Ms. Ridgill asked the Commission to look at the qualifications placed on the city manager and be able to explain how their candidate meets the requirements of the employment ad and the City Charter. Ms. Ridgill

stated she felt if the new city manager is given a contract it should only be for one year and his benefits should not vary from the personnel manual. Ms. Ridgill stated the Commission should work for the best interest of the City as a whole and all decisions should be based on facts, not feelings. She stated there needs to be a partnership with the Commission, city manager, staff and the public.

Bill Sikes stated he is aware that we have had a problem hiring a city manager and that muck raking has been alive since men and women have been having meetings, and it will continue. Mr. Sikes asked the Commission to put issues aside because the residents of the City would like to hire a city manager.

Raoul Ballater stated he felt the Commission has a responsibility to work out their differences. He stated the civil war has been going on for a year and we need to move forward. Mr. Ballater urged the Commission to get someone who is going to dignify the work and he would like to see some gentleness. He stated that the City Charter states education is important and he feels the Commission must consider that.

**Commissioner Pittman made a motion, seconded by Commissioner Miller, to table this item to the April 1, 2013 meeting. Vote 3 yeas, 2 nays. (Commissioner Rodriguez and Mayor Roland voted nay.)**

## **9. Departmental Reports Presented for Information.**

**PUBLIC COMMENTS** – Ms. Betty Murphy came forward to speak about the Senior Citizens Building. Ms. Murphy feels Hope Connections is using more space than their lease specifies. She asked that the Commission go out and look at the situation.

Hal Howard stated he goes to the Senior Citizens Building and he doesn't understand why everyone can't get along.

Patricia Brown who works for Hope Connections came forward to speak. Ms. Brown stated they serve lunch to 22 clients that come in every day. She stated they play checkers, dominoes, and have other activities for the seniors. She stated she has a program that she adheres to and the seniors want their program to continue. Ms. Brown talked about successes she has had at the facility and everyone seems to get along until the 3 ladies come. Ms. Brown stated not only do they serve lunch, the health department comes in and does blood pressure checks, weight checks and also runs an exercise program.

Mayor Roland stated he does not like this kind of stuff. He stated he is aggravated that we can't service people and have good feelings about what is going on. Mayor Roland stated we will straighten out the problem, but everybody won't be happy.

Several others came forward to speak about the senior citizen situation and it was decided that Mayor Roland, ICM Gutshall, and City Clerk McCorvey will go out to the building and bring back a suggestion to the Commission.

**REPORT FROM INTERIM CITY MANAGER** – ICM Gutshall stated we have an issue with the fireworks show on the 4<sup>th</sup> of July. ICM Gutshall stated in order to shoot on the 4<sup>th</sup>, Zambelli wants a minimum amount of \$15,000, they will do the 3<sup>rd</sup> or the 5<sup>th</sup> for \$11,000. There was discussion on whether the City could do their own shoot, but the Commission instructed Public Works Director Scheffler to shop the fireworks shoot and see if another company is interested in doing the shoot on the 4<sup>th</sup> of July.

ICM Gutshall reported that City Engineer Tommy Perry had inspected the All Juice building and validated that the foundation is in place and meets the requirement for the next draw.

ICM Gutshall stated we have been contacted by Buck Thornton about removing a Banyan tree at W. C. Owen and US27 on the City ROW. Mr. Thornton has stated he has a buyer for the tree who will pay the City \$3,000 and give the City their choice of nine (9) trees. Public Works Director Scheffler stated that Banyan trees' root systems are not deep and it could probably be harvested. He stated we would need to enter into a written agreement with the purchaser that would cover any damage that might be done to the sidewalk, street, utilities, etc.

**Commissioner Gardner made a motion, seconded by Commissioner Miller, to move forward with an agreement with the purchaser for removal of the Banyan tree at W.C. Owen and US 27. Vote 5 yeas, 0 nays.**

ICM Gutshall asked Recreation Director Ramer to come forward to speak about the “splash pad”. Mr. Ramer stated he is ready to move forward with the dismantling of the old spray park and wants the Commission to give him formal permission to move forward.

**Commissioner Miller made a motion, seconded by Commissioner Pittman, to authorize the dismantling of the spray park to make room for the new “splash pad”. Vote 5 yeas, 0 nays.**

Benjamin Escorcia came forward to ask that the City consider repaving the alley behind his church at 312 S. W.C. Owen. He stated the street is in severe disrepair. Public Works Director Scheffler stated that the alley is on the list for the paving project which is out for bid currently.

Scott Morrison came forward to speak about a variance that was given to property located at 702 S. Bond Street. He stated that Pedro Diaz wants to build a triplex on the property but the variance needs clarification. Mr. Morrison stated that the orientation of the property was misinterpreted when the variance was originally given. Mr. Morrison stated that he felt the intent was the front of the building would face El Paso and Bond Street would be the side of the property. Community Development Director Reese stated that if you switch how the variance is currently written, the triplex will be pushed out about 10 feet in front of the other buildings on the street. City Attorney Schoech informed the Commission if we change the action previously granted, it will require a new hearing, but if you are clarifying what was done, we can work with the clarification.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to clarify the variance previously given, that El Paso will be the front of the building, Bond Street would be the side of the property and the alley is the east side. Vote 5 yeas, 0 nays.**

Jerry Cochrane stated he feels that things are being rushed through. He stated that when we start making zoning changes, we must be very careful. He felt that at the very least, the P & Z Board should have assured the Commission that the action taken was their intent.

**REPORTS FROM THE CITY ATTORNEY - None**

**REPORTS FROM THE CITY COMMISSION – None**

**ADJOURNMENT**

**Adjournment:**

The meeting was adjourned at 7:40 p.m.

---

Phillip Roland, Mayor

---

Marilyn McCorvey, City Clerk